

*Environmental Justice in Africa: Nurturing Peace and Human Rights through the Rule of Law and Indigenous Norms*

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**Kariuki Muigua**

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**Table of Contents**

Abstract..... 3

1.0 Introduction ..... 3

2.0 Examining the Need for Environmental Justice in Africa ..... 5

3.0 Promoting Environmental Justice in Africa through the Rule of Law and Indigenous Norms ..... 8

4.0 Conclusion ..... 12

References ..... 14

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**Kariuki Muigua\***

### **Abstract**

*This paper examines how the ideal of environmental justice can be attained in Africa. It argues that attaining environmental justice in Africa is a key agenda in light of the disproportionate impacts the continent faces from environmental hazards including the triple planetary crisis of climate change, biodiversity loss and pollution. The paper examines environmental injustices in Africa. It points out that prevalence of environmental injustices in Africa is a major threat to peace, human rights and development. Consequently, the discussion notes that strengthening environmental justice is an imperative towards Sustainable Development in Africa. The paper examines how the rule of law and indigenous norms can be effectively harnessed towards promoting environmental justice in Africa for peace, human rights and Sustainable Development.*

### **1.0 Introduction**

Environmental justice is the idea that all people and communities have the right to live and thrive in clean, safe, healthy and sustainable environments with equal environmental protection and meaningful involvement in environmental decision-making processes<sup>1</sup>. It has been observed that at its core, environmental justice means that every person regardless of race, colour, nationality, origin, or income has the right to the same environmental protection and benefits, as well as meaningful involvement in environmental policy making<sup>2</sup>. This concept entails equitable and fair distribution of environmental benefits and burdens, ensuring that every person and all communities,

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<sup>1</sup> Environmental Justice., Available at <https://www.apha.org/topics-and-issues/environmental-health/environmental-justice> (Accessed on 16/03/2026)

<sup>2</sup> The Environmental Justice Movement., Available at <https://www.nrdc.org/stories/environmental-justice-movement> (Accessed on 16/03/2026)

particularly those historically marginalised, have the right to a clean, healthy and sustainable environment<sup>3</sup>.

Fostering environmental justice is key towards protecting people and planet. For instance, it has been observed that the world is facing multiple and interlinked environmental crises including a triple planetary crisis of climate change, biodiversity and ecosystem loss, and pollution and waste<sup>4</sup>. Environmental threats including the triple planetary crisis undermine fundamental human rights and fuel environmental injustices by disproportionately affecting the most vulnerable, marginalized and excluded people and communities<sup>5</sup>. Environmental justice recognises the disproportionate impacts of environmental hazards including the triple planetary crisis of climate change, pollution, and biodiversity loss<sup>6</sup>. It highlights the plight of vulnerable people and communities, including people of colour, indigenous and local communities, women, the youth and developing countries, who bear the most burden when it comes to environmental damage and seeks to give them a voice through access to environmental information, participation in environmental decision-making processes and access to justice in order to ensure sustainable and equitable development<sup>7</sup>.

Environmental justice is at the heart of Sustainable Development since it provides a framework for addressing environmental inequities, disparate impact of environmental crises, and unequal protection in environmental matters<sup>8</sup>. By promoting environmental

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<sup>3</sup> Environmental Justice – Definition and Explanation., Available at <https://oxford-review.com/the-oxford-review-dei-diversity-equity-and-inclusion-dictionary/environmental-justice-definition-and-explanation/> (Accessed on 16/03/2026)

<sup>4</sup> United Nations Development Programme., ‘Environmental Justice’ Available at <https://www.undp.org/rolhr/justice/environmental-justice> (Accessed on 16/03/2026)

<sup>5</sup> Ibid

<sup>6</sup> United Nations Development Programme., ‘Five steps to environmental justice’ Available at <https://www.undp.org/blog/five-steps-environmental-justice> (Accessed on 16/03/2026)

<sup>7</sup> Muigua. K., Wamukoya. D., & Kariuki. F., ‘Natural Resources and Environmental Justice in Kenya.’ Glenwood Publishers Limited, 2015

<sup>8</sup> Ekhatior. E., & Agbaitoro. G., ‘The Role of Environmental Justice in Promoting the Rule of Law in Natural Resource Conflict Resolution in Africa: A Case Study of Nigeria’ Available at

justice, it is possible to tackle environmental threats including climate change, pollution and biodiversity loss while ensuring equity, justice, fairness and human rights for every person<sup>9</sup>. Environmental justice has been described as a powerful tool that can contribute to fighting discrimination and marginalization in environmental governance, eliminating poverty and reducing inequalities towards sustainability<sup>10</sup>. Fostering environmental justice is therefore a key ideal for both people and planet in the pursuit of Sustainable Development.

This paper examines how the ideal of environmental justice can be attained in Africa. It argues that attaining environmental justice in Africa is a key agenda in light of the disproportionate impacts the continent faces from environmental hazards including the triple planetary crisis of climate change, biodiversity loss and pollution. The paper examines environmental injustices in Africa. It points out that prevalence of environmental injustices in Africa is a major threat to peace, human rights and development. Consequently, the discussion notes that strengthening environmental justice is an imperative towards Sustainable Development in Africa. The paper examines how the rule of law and indigenous norms can be effectively harnessed towards promoting environmental justice in Africa for peace, human rights and Sustainable Development.

## **2.0 Examining the Need for Environmental Justice in Africa**

Attaining environmental justice in Africa is vital agenda. It has been observed that environmental justice in Africa focuses on addressing the disproportionate burdens the

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[https://www.researchgate.net/publication/366640118\\_The\\_Role\\_of\\_Environmental\\_Justice\\_in\\_Promoting\\_the\\_Rule\\_of\\_Law\\_in\\_Natural\\_Resource\\_Conflict\\_Resolution\\_in\\_Africa\\_A\\_Case\\_Study\\_of\\_Nigeria](https://www.researchgate.net/publication/366640118_The_Role_of_Environmental_Justice_in_Promoting_the_Rule_of_Law_in_Natural_Resource_Conflict_Resolution_in_Africa_A_Case_Study_of_Nigeria) (Accessed on 16/03/2026)

<sup>9</sup> Ibid

<sup>10</sup> United Nations Development Programme., 'Environmental Justice: Comparative Experiences in Legal Empowerment' Available at <https://www.undp.org/sites/g/files/zskgke326/files/publications/Environmental-Justice-Comparative-Experiences.pdf> (Accessed on 16/03/2026)

continent faces due to environmental threat including climate change, unsustainable extraction of natural resources by foreign companies, pollution, and biodiversity loss<sup>11</sup>. In particular, environmental justice in Africa focuses on protecting the vulnerable including indigenous peoples, local communities, women and the youth who are adversely impacted by environmental threats including the triple planetary crisis of climate change, biodiversity loss and pollution<sup>12</sup>. Environmental justice in Africa encompasses the right to have access to natural resources; not to suffer disproportionately from environmental policies, laws and regulations; and the right to environmental information, participation and involvement in decision-making<sup>13</sup>.

The need for environmental justice in Africa is linked to the disproportionate impacts the continent faces due to environmental threats. For example, it has been observed that despite Africa's negligible contribution to the climate crisis, it stands out unfairly as the most vulnerable region in the world to climate change and its impacts<sup>14</sup>. When compared to other continents, Africa has the lowest amount of greenhouse gas emissions responsible for climate change, yet it remains the most affected continent by adverse climatic events<sup>15</sup>. Adverse climatic events including rising temperatures, droughts and floods are worsening in Africa with severe consequences for the continent's population especially the poor and vulnerable<sup>16</sup>. It has been observed that these events have adverse

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<sup>11</sup> Mahadew. B., 'Can the African Human Rights System be an Effective Environmental Justice System in Africa?' Available at [https://www.pulp.up.ac.za/images/edocman/edited-collections/environmental\\_justice\\_in\\_africa/Chapter%2011%20EJ.pdf](https://www.pulp.up.ac.za/images/edocman/edited-collections/environmental_justice_in_africa/Chapter%2011%20EJ.pdf) (Accessed on 17/03/2026)

<sup>12</sup> Ibid

<sup>13</sup> Ako. R., 'Resource Exploitation and Environmental Justice: the Nigerian Experience' Available at <https://www.elgaronline.com/display/edcoll/9781848446793/9781848446793.00011.xml> (Accessed on 17/03/2026)

<sup>14</sup> United Nations Environment Programme., 'Responding to Climate Change' Available at <https://www.unep.org/regions/africa/regional-initiatives/responding-climate-change> (Accessed on 17/03/2026)

<sup>15</sup> African Development Bank Group., 'Climate Change in Africa' Available at <https://www.afdb.org/en/cop25/climate-change-africa> (Accessed on 17/03/2026)

<sup>16</sup> United Nations Climate Change., 'Africa is particularly vulnerable to the expected impacts of global warming' Available at

impacts on food security, water availability, energy, education, infrastructure and public health in Africa<sup>17</sup>. Climate change is therefore an environmental justice issue in Africa. Climate change creates environmental injustices in Africa since its extreme impacts including drought, water scarcity, and severe flooding disproportionately affect the vulnerable including the poor, indigenous peoples, local communities, women and the youth despite the continent's negligible contribution to the climate crisis<sup>18</sup>.

In addition, Africa is witnessing an alarming rate of biodiversity loss fuelling environmental injustices. It has been observed that Africa's rich biodiversity is under threat with ongoing losses of species and degradation of ecosystems<sup>19</sup>. Biodiversity loss is an environmental justice issue in Africa since a majority of the continent's population, especially people in rural areas, rely on the continent's diverse natural resources and ecosystems for their food, water, energy, health, and livelihoods<sup>20</sup>. Biodiversity loss therefore threatens the livelihoods of vulnerable populations in the continent increasing food insecurity and fuelling conflicts over scarce natural resources<sup>21</sup>.

Pollution has also been identified as an environmental justice issue in Africa with marginalized communities bearing the brunt of its effects<sup>22</sup>. For example, it has been observed that marine plastic pollution causes injustices against vulnerable coastal

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[https://unfccc.int/files/press/backgrounders/application/pdf/factsheet\\_africa.pdf](https://unfccc.int/files/press/backgrounders/application/pdf/factsheet_africa.pdf) (Accessed on 17/03/2026)

<sup>17</sup> World Meteorological Organization., 'Africa faces disproportionate burden from climate change and adaptation costs' Available at <https://wmo.int/news/media-centre/africa-faces-disproportionate-burden-from-climate-change-and-adaptation-costs> (Accessed on 17/03/2026)

<sup>18</sup> Ibid

<sup>19</sup> Africa Center for Strategic Studies., 'African Biodiversity Loss Raises Risk to Human Security' Available at <https://africacenter.org/spotlight/african-biodiversity-loss-risk-human-security/> (Accessed on 17/03/2026)

<sup>20</sup> Ibid

<sup>21</sup> Ibid

<sup>22</sup> United Nations Environment Programme., 'Neglected: Environmental Justice Impacts of Marine Litter and Plastic Pollution' Available at <https://www.unep.org/resources/report/neglected-environmental-justice-impacts-marine-litter-and-plastic-pollution> (Accessed on 17/03/2026)

communities who depend on a clean and healthy ocean for their survival<sup>23</sup>. Marine plastic pollution devastates coastal ecosystems and fuels marine biodiversity loss threatening the livelihoods and health of coastal communities in Africa and all over the world<sup>24</sup>.

Unstainable extraction of Africa's vast natural resources is also linked to environmental injustices. For example, the activities of multinational corporations in the extractives sector in Africa are linked to human rights abuses, displacement of indigenous communities, environmental degradation, loss of biodiversity and soil and air pollution as a result of oil spillages<sup>25</sup>. Further, it has been observed that poor implemented renewable energy developments in Africa cause environmental injustices by causing land injustices against local communities while also impacting wildlife, biodiversity and ecosystems<sup>26</sup>. The extraction of critical minerals for renewable energy development in Africa is also often done without prior consultation with and consent of the people of Africa leading to human right abuses and environmental degradation<sup>27</sup>.

In light of the foregoing concerns, promoting environmental justice in Africa is a vital agenda for people and planet.

### **3.0 Promoting Environmental Justice in Africa through the Rule of Law and Indigenous Norms**

Attaining environmental justice in Africa is key towards nurturing peace and human rights. Environmental challenges in the continent including climate change, biodiversity

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<sup>23</sup> Ibid

<sup>24</sup> Ibid

<sup>25</sup> Ajibade, L.T & Awomuti, A.A. 'Petroleum Exploitation or Human Exploitation? An Overview of Niger Delta Oil Producing Communities in Nigeria' *African Research Review* Vol. 3 (1), 2009. Pp. 111-124

<sup>26</sup> Environmental Impacts of Renewable Energy Sources., Available at <https://www.adesg.com/resources/blog/environmental-impacts-of-renewable-energy-sources/> (Accessed on 17/03/2026)

<sup>27</sup> Bassey. N., 'The Struggle for Environmental Justice in Africa' Available at <https://www.downtoearth.org.in/africa/the-struggle-for-environmental-justice-in-africa-90314#:~:text=The%20struggle%20for%20environmental%20justice%20in%20Africa%20is%20complex%20and,not%20inanimate%20or%20lifeless%20entities> (Accessed on 17/03/2026)

loss, pollution and unsustainable resource extraction undermine human rights including the right to a clean, healthy and sustainable environment with disproportionate impacts on vulnerable individuals and communities in the continent<sup>28</sup>. In addition, the adverse impacts of climate change and biodiversity loss affect peace and security in Africa by fuelling conflicts over scarce natural resources including land, water and food<sup>29</sup>. Promoting environmental justice in Africa is therefore necessary in protecting people and planet for Sustainable Development.

The rule of law provides a viable pathway towards fostering environmental justice in Africa for peace and human rights. The rule of law in general has been described as a principle of governance in which all persons, institutions and entities, both public and private, including the State itself, are accountable to laws that are publicly promulgated, equally enforced and independently adjudicated, and which are consistent with international human rights norms and standards<sup>30</sup>. The rule of law envisages an ideal society where no one is above the law; everyone is treated equally under the law; everyone is held accountable to the same laws; there are clear and fair processes for enforcing laws; there is an independent judiciary; and human rights are guaranteed for all persons<sup>31</sup>. The rule of law is applicable in the environmental context. For instance, environmental rule of law has developed as an important framework that seeks to integrate the fundamental tenets of the rule of law into environmental governance for Sustainable Development. Environmental rule of law integrates environmental needs with the essential elements of the rule of law, and provides a basis for improving

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<sup>28</sup> Bassey. N., 'The Struggle for Environmental Justice in Africa' Op Cit

<sup>29</sup> World Meteorological Organization., 'Africa faces disproportionate burden from climate change and adaptation costs' Op Cit

<sup>30</sup> United Nations., 'What is the Rule of Law.' Available at <https://www.un.org/ruleoflaw/what-is-the-rule-of-law/> (Accessed on 17/03/2026)

<sup>31</sup> American Bar Association., 'Rule of Law.' Available at [https://www.americanbar.org/groups/public\\_education/resources/rule-of-law/](https://www.americanbar.org/groups/public_education/resources/rule-of-law/) (Accessed on 17/03/2026)

environmental governance<sup>32</sup>. Environmental rule of law covers the legal framework of procedural and substantive rights and obligations that incorporates the principles of ecologically Sustainable Development in the rule of law<sup>33</sup>. It has been observed that environmental rule of law is attained when environmental laws and policies are widely understood, respected, and enforced and the benefits of environmental protection are enjoyed by people and the planet<sup>34</sup>.

Environmental rule of law therefore provides a practical approach towards achieving environmental justice in Africa. This idea provides a framework for addressing the gap between environmental laws in text and in practice<sup>35</sup>. In particular, it has been observed that by strengthening environmental rule of law in Africa, it is possible to promote environmental justice by ensuring citizens' participation, access to justice and information in environmental matters<sup>36</sup>. Further, strengthening environmental rule of law is necessary in combating environmental threats in Africa including pollution, biodiversity loss, and illegal trade in wildlife which fuel injustices against vulnerable communities<sup>37</sup>. Environmental rule of law is therefore vital in nurturing human rights including the right to a clean, healthy and sustainable environment in Africa<sup>38</sup>. The rule

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<sup>32</sup> United Nations Environment Programme., 'Environmental Rule of Law' Available at <https://www.unep.org/explore-topics/environmental-rights-and-governance/what-we-do/promoting-environmental-rule-law-0> (Accessed on 17/03/2026)

<sup>33</sup> International Union for Conservation of Nature., 'IUCN World Declaration on the Environmental Rule of Law' Available at [https://www.iucncongress2020.org/sites/www.iucncongress2020.org/files/sessions/uploads/english\\_world\\_declaration\\_on\\_the\\_environmental\\_rule\\_of\\_law\\_final.pdf](https://www.iucncongress2020.org/sites/www.iucncongress2020.org/files/sessions/uploads/english_world_declaration_on_the_environmental_rule_of_law_final.pdf) (Accessed on 17/03/2026)

<sup>34</sup> Environment Law Institute., 'Environmental Rule of Law' Available at <https://www.eli.org/environmental-rule-law> (Accessed on 17/03/2026)

<sup>35</sup> Ibid

<sup>36</sup> Environmental rule of law critical to achieving inclusive, sustainable development in Africa, concludes regional colloquium., Available at <https://www.tralac.org/news/article/8302-environmental-rule-of-law-critical-to-achieving-inclusive-.html#:~:text=Over%20160%20representatives%20of%20Africa's,Chief%20Justice%20of%20Kenya%2C%20Hon.> (Accessed on 17/03/2026)

<sup>37</sup> Ibid

<sup>38</sup> United Nations Environment Programme., 'Environmental Rule of Law: Tracking Progress and Charting Future Directions.' Available at

of law is an effective approach in ensuring environmental justice including through enhanced enforcement of environmental laws and policies and citizen involvement in environmental decision-making processes<sup>39</sup>. Strengthening environmental rule of law in Africa through robust implementation of environmental laws and policies, public participation in environmental governance, access to information and access to justice in environmental matters is therefore key towards attaining environmental justice in Africa<sup>40</sup>. Through this, it is possible to nurture peace and human rights by reducing environmental conflicts, protecting vulnerable individuals and communities from environmental threats and strengthening environmental governance<sup>41</sup>.

In addition to the rule of law, indigenous norms provide an Afrocentric approach towards promoting environmental justice in Africa for peace and human rights. It has been observed that indigenous norms in Africa and the Global South are at the heart of environmental justice since they emphasize environmental stewardship and harmony with nature<sup>42</sup>. Indigenous norms hold a prevailing view that nature is sacred<sup>43</sup>. Consequently, indigenous norms and knowledge systems provide valuable solutions that ensure sound environmental governance for people and planet<sup>44</sup>. Embracing indigenous norms in Africa is thus vital in the pursuit of environmental justice. For example, it has been observed that local knowledge of plants, animals, ecosystem, landscapes, and resource management systems has enabled indigenous peoples and local

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[https://wedocs.unep.org/bitstream/handle/20.500.11822/43943/Environmental\\_rule\\_of\\_law\\_progress.pdf?sequence=3](https://wedocs.unep.org/bitstream/handle/20.500.11822/43943/Environmental_rule_of_law_progress.pdf?sequence=3) (Accessed on 17/03/2026)

<sup>39</sup> Ibid

<sup>40</sup> The Access Initiative., 'The Road to Realizing Environmental Rights In Africa: Moving From Principles to Practice' Available at [https://accessinitiative.org/wp-content/uploads/2022/10/22.01\\_rep\\_access\\_initiative\\_v583-4.pdf](https://accessinitiative.org/wp-content/uploads/2022/10/22.01_rep_access_initiative_v583-4.pdf) (Accessed on 17/03/2026)

<sup>41</sup> United Nations Environment Programme., 'Environmental Rule of Law: Tracking Progress and Charting Future Directions.' Op Cit

<sup>42</sup> United Nations Environment Programme., 'How indigenous knowledge can help prevent environmental crises' Available at <https://www.unep.org/news-and-stories/story/how-indigenous-knowledge-can-help-prevent-environmental-crises> (Accessed on 17/03/2026)

<sup>43</sup> Ibid

<sup>44</sup> Ibid

communities to work with nature for many centuries ensuring sound environmental governance<sup>45</sup>. Embracing indigenous norms can therefore promote environmental justice through the use of indigenous and local knowledge to tackle environmental threats including climate change, environmental degradation and biodiversity loss<sup>46</sup>. Through this, it is possible to uphold the rights of indigenous peoples and local communities who rely on nature and healthy ecosystems for their livelihoods and survival<sup>47</sup>. Harnessing indigenous norms is therefore key towards promoting environmental justice in Africa for peace and human rights.

#### **4.0 Conclusion**

Attaining environmental justice is a key agenda for Africa. The continent is disproportionately impacted by environmental crises including climate change, biodiversity loss, pollution and unsustainable resource extraction which undermine peace and human rights. It is therefore necessary to promote environmental rule of law in order to strengthen implementation of environmental laws and policies, foster public participation in environmental governance and ensure access to information and access to justice in environmental matters towards environmental justice<sup>48</sup>. In addition embracing indigenous norms is vital towards harnessing the knowledge and practices of indigenous peoples and local communities in Africa for sound environmental governance and harmony with nature<sup>49</sup>. Achieving environmental justice in Africa is therefore practical. It is imperative to nurture peace and human rights through the rule

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<sup>45</sup> Sinthumule. N., 'Traditional Ecological Knowledge and its Role in Biodiversity Conservation: A Systematic Review' *Frontiers in Environmental Science.*, Volume 11 (2023)

<sup>46</sup> Ibid

<sup>47</sup> United Nations Environment Programme., 'Indigenous Peoples and the nature they protect' Available at <https://www.unep.org/news-and-stories/story/indigenous-peoples-and-nature-they-protect> (Accessed on 17/03/2026)

<sup>48</sup> The Access Initiative., 'The Road to Realizing Environmental Rights In Africa: Moving From Principles to Practice' Op Cit

<sup>49</sup> United Nations Environment Programme., 'How indigenous knowledge can help prevent environmental crises' Op Cit

*Environmental Justice in Africa: Nurturing Peace and Human Rights through the Rule of Law and Indigenous Norms*

of law and indigenous norms in order to attain environmental justice in Africa for people and planet.

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*Environmental Justice in Africa: Nurturing Peace and Human Rights through the Rule of Law and Indigenous Norms*

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